

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	Crim. No. 23-CR-10127-LTS
)	
JOSE TORRES)	
_____)	

DEFENDANT’S MOTION TO AMEND HIS CONDITIONS OF RELEASE

The defendant, Jose Torres, moves this Court to amend the conditions of his release and order that he be subject to a curfew from 9:00 pm to 7:00 am, rather than remaining under house arrest. The probation officer, Laura LaValley, supports this change of terms. The prosecutor, Phil Mallard, has indicated that he does not oppose this motion. This is the only condition which is sought to be changed, and the remaining conditions will stay in place.

As grounds, the defendant asserts the following:

I. PROCEDURAL BACKGROUND

Mr. Torres is charged with three counts:

1. Conspiracy to Transport Stolen Property Valued Over \$5,000 in Interstate Commerce, in violation of 18 U.S.C. § 371;
2. Interstate Transportation of Stolen Property Valued Over \$5,000, in violation of 18 U.S.C. § 2314; and
3. Money Laundering Conspiracy, in violation of 18 U.S.C. § 1956(h).

The government alleges that Mr. Torres purchased stolen catalytic converters in bulk and sold them to buyers in Massachusetts, Connecticut, Rhode Island, and New Jersey. The

government does not allege that he ever personally stole the catalytic converters himself. Rather, Mr. Torres's role was as a middleman who both bought and then sold the pilfered car parts.

Mr. Torres was arrested at his Springfield home on April 12, 2023 and initially charged by way of criminal complaint. He stipulated to detention, waived the probable cause hearing, and reserved his right to seek release at a later date. Mr. Torres was initially in custody at Wyatt Detention Center in Central Falls, Rhode Island after his arrest. The government subsequently obtained an indictment charging Mr. Torres for the above three counts on April 12, 2023. Mr. Torres pled guilty to the three charges and filed the signed plea offer on May 12, 2023. He appeared before this Court for a Rule 11 hearing on May 17, 2023. At the request of the United States, Mr. Torres awaits sentencing in this matter. He has signed a cooperation agreement.

In October, 2023, This court (Sorokin, J.) amended the defendant's conditions of release. He was released from custody, and allowed to return to his home, where he would be under home detention. He was allowed to leave his home to come to court, meet with his attorney, participate in religious services, and attend medical treatment for his injuries, which were incurred when a drunk driver struck him. Mr. Torres agreed that he must receive permission from his probation officer in advance before leaving his residence.

II. PROPOSED CONDITIONS OF RELEASE

Mr. Torres moves that this Court release him to the following conditions pending sentencing, pursuant to 18 U.S.C. § 3143(a)(1) (citing § 3142(b), (c)):

- a. Mr. Torres must reside with his fiancée, Josephine Hernandez, at 87 Oak Street, Springfield, MA. Ms. Hernandez shall serve as a third-party custodian, pursuant to § 3142(c)(1)(B)(i), and agrees to assume supervision and report any violation of a release condition to the court.
- b. Mr. Torres shall remain on a curfew seven days a week which requires him to be at home from 9:00 pm to 7:00 am.

- c. Mr. Torres shall not be permitted to leave the state of Massachusetts unless he obtains prior permission from the Court.
- d. Mr. Torres shall be required to wear an electronic monitoring bracelet to ensure his compliance with the terms of his detention.
- e. Mr. Torres shall not have any contact with any co-defendant or potential witness who may testify concerning the charges in this case. § 3142(c)(1)(B)(xiv).
- f. Mr. Torres shall report on a “regular basis” to either the Court or Probation § 3142(c)(1)(B)(vi).
- g. Mr. Torres shall refrain from possessing “a firearm, destructive device, or other dangerous weapon.” § 3142(c)(1)(B) (viii).
- h. Mr. Torres shall refrain from “excessive use of alcohol.” § 3142(c)(1)(B)(ix).
- i. Mr. Torres shall refrain from “any use of a narcotic drug or other controlled substance . . . without a prescription.” § 3142(c)(1)(B)(ix).

III. JOSE TORRES’S BACKGROUND

Jose Torres was born in San Juan, Puerto Rico to Hiran Torres and Maria Oquendo on June 21, 1986. Jose and his mother relocated to Springfield, MA before Jose reached four years old. He has resided in Springfield with his extended family ever since and does not have a U.S. Passport.

Young Jose and his mother, Maria, visit the beach in Puerto Rico.

Jose was raised by his mother, grandmother, and maternal uncles. He did not meet his biological father until age 21. From an early age, family was the most important thing to Jose. His large family includes his younger sister Tatiana Renta, a rising high school senior at Central High School



in Springfield, his mother Maria, stepfather Avileno Renta, uncle Jose Baez, aunt Alexandria Baez, and Grandmother Eufemia Guzman. All of them live in Springfield, and many live in the three-family, multigenerational house owned by Maria.

Jose lived with his extended family for fifteen years in that three-family house. In November 2022, Maria and Jose purchased a single-family home at 87 Oak Street, Springfield, MA, where Jose now resides with his fiancé, Josephine, and thirteen-year-old son, Damian. Jose pays the mortgage on the Oak Street home.

Jose is all smiles at Tatiana's quinceañera party in the family's backyard in Springfield before, (right) he smudges the cake in Tatiana's face during the big family photo.



Jose and his large family do everything together: celebrate birthdays and holidays, go on camping trips and water parks, and have family movie nights. Jose's biological father and four half-

siblings

his life

Jose,

met his

in

who live

Rico.

year-old

son,



on his father's side were not involved in growing up. Family is so important to however, that he forgave his father for abandoning the family when Jose first father at age 21. Jose has since remained contact with his father and half-siblings, in both New York City as well as Puerto Jose lives with his longtime fiancée, Josephine Hernandez, and his thirteen-

Jose presents Damian with his thirteenth birthday cake.

Damian. Josephine and Jose have been together for over seven years. Jose shares joint custody of Damian with Damian's maternal grandmother, after the Department of Children and Families found Damian's mother to be an unfit parent. Jose is an extremely proud and doting father.

Jose attended Putnam High School in Springfield but left in 11th grade so that he could work to support his family. He subsequently attempted the GED test on two occasions but was unable to pass the writing portion of the exam. Jose has a mechanical mind. His uncles showed him how to work on cars when he was still a teenager. Jose has worked as a mechanic and car detailer for his entire adult life while residing in Springfield, MA.

In his spare time, Jose raced cars that he built in local competitions until December 2021. Approximately a week before Christmas 2021, Jose was at a community race event when his car's engine began to act up. Jose pulled over to look under the hood, while Josephine remained with

the car. A drunk driver ignored the breakdown lane and the flashing warning signs on Jose's car. He plowed into the rear of Jose's vehicle while Jose was working under the hood. The car was totaled, and Josephine suffered several broken bones.

Jose, however, suffered the most extreme injuries. He broke his hand, his ribs, his hip, and sheared his right leg. Jose underwent multiple surgeries. Doctors placed a metal rod and screws in his right leg from his knee to his ankle. In 2022, Jose received an \$80,000 civil settlement from the accident, and he used the funds to help his mother pay down the mortgage on the multifamily house he grew up in and place a down payment on Jose's current residence. Jose continues to experience extreme back pain. Prior to his incarceration, Jose regularly attended outpatient physical therapy, but it did little to assuage his back. He initially relied on prescribed Percocet pain medication but found himself becoming increasingly reliant on it. Jose swore off Percocet entirely in 2022. He now relies on 600 mg Motrin pills for pain relief. Prior to his arrest, Jose had been meeting with doctors at New England Orthopedic Surgeons in Springfield, MA to discuss whether another surgery is needed to mitigate the stress and pain on his back as a result of the accident. His fiancée, Josephine, has rescheduled Jose's appointment with the surgeon on several occasions.

Up until this accident, Jose owned and operated Scrap Guys 413, an LLC that repairs junk cars for resale and/or recycles parts from cars too damaged to repair. He also owned a small landscaping business, Four Seasons Landscaping, where he and his extended family members shoveled snow, plowed, and did lawn maintenance and care for approximately six houses per week in the spring, summer, and fall seasons. Jose has been unable to hold steady work due to his accident because his remaining on his feet and doing manual labor for lengthy periods of time caused immense pain. He has since been applying for disability and takes odd jobs, such as minor landscaping and plowing, car detailing, and contract mechanic work when his back can take it. Jose also breeds and raises dogs at his home in Springfield. He currently has several French

bulldogs and micro-American bullies who live at Jose's Oak Street home. He sold his first litter of five dogs this past winter, netting \$4,000 per dog.

Jose's prior criminal record primarily consists of state motor vehicle offenses, such as operating a vehicle with a suspended license, failing to have insurance, and operating after his license had been revoked. His most serious conviction within the last 10 years was for possession with intent to distribute a Class A substance, subsequent offense, for which he was sentenced to 2-3 years in state prison on April 27, 2015. In addition, Jose has resolved the two cases pending against him in the Connecticut Superior Court and the one case pending against him in the Springfield District Court.

IV. ARGUMENT

This Court should order the release of Mr. Torres on a curfew from 9:00 pm until 7:00 am pending sentencing because he has shown clear and convincing evidence that he is not likely to flee nor is he a danger to any other person in the community. *See* 18 U.S.C. § 3143(a)(1).

V. CONCLUSION

WHEREFORE, the defendant requests that this Court allow this motion and release him on a curfew from 9:00 pm to 7:00 am and to the conditions outlined above, pending his sentencing, which will likely occur no earlier than December of 2024.

JOSE TORRES,

By His Attorneys,
Carney, Gaudet & Carney

J. W. Carney Jr.

J. W. Carney Jr.
B.B.O. # 076740
20 Park Plaza, Suite 614
Boston, MA 02116
JCarney@CARNEYdefense.com

April 12, 2024

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

J. W. Carney Jr.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	Crim. No. 23-CR-10127-LTS
)	
JOSE TORRES)	
_____)	

AFFIDAVIT IN SUPPORT OF
DEFENDANT'S MOTION TO AMEND HIS CONDITIONS OF RELEASE

I, J. W. Carney Jr., am the defense counsel in this case. I submit that the facts reflected in the above motion are true to the best of my information and belief.

J. W. Carney Jr.

April 12, 2024